

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

THE PEOPLE,

Plaintiff and Respondent,

v.

MATTHEW MARK LUKE,

Defendant and Appellant.

C053628

(Super. Ct. No. 05F8893)

After he entered a negotiated plea of guilty to a charge he sold or transported methamphetamine, defendant Matthew Mark Luke received a three-year prison sentence.

Defendant's sole contention on appeal is that the trial court erred in failing to recite in detail all of the fines, fees, and penalties imposed. For example, it ordered defendant to pay a criminal lab fee of \$157.50, without any reference to supporting statutory authority. The abstract of judgment reflects that the fee was imposed pursuant to Health and Safety

Code section 11372.5, subdivision (a), which authorizes a fee of \$50 for each separate violation of sale of a controlled substance (Health & Saf. Code, § 11352), but this does not explain why a fee of \$157.50 was warranted.

All fines, fees, and penalties must be stated separately at sentencing, with the statutory basis specified for each; and the abstract of judgment must reflect these matters. (*People v. High* (2004) 119 Cal.App.4th 1192, 1200.) "Although we recognize that a detailed recitation of all the fees, fines and penalties on the record may be tedious, California law does not authorize shortcuts." (*Ibid.*) Accordingly, the matter must be remanded for the court to rectify its oversight.¹

DISPOSITION

The judgment is affirmed, except that the matter is remanded to the trial court with directions to separately state all fines, fees, and penalties imposed, with the appropriate statutory basis; amend the abstract of judgment accordingly; and

¹ The People do not dispute the error, but insist that we should dismiss this appeal because defendant has failed to first seek its correction in the trial court. They rely on dicta from the opinion in *People v. Clavel* (2002) 103 Cal.App.4th 516, which dismissed the defendant's appeal based on a miscalculation of presentence custody credits because he failed to first pursue his remedy in the trial court, as required by Penal Code section 1237.1. No such statutory requirement operates here.

send a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

CANTIL-SAKAUYE, J.

We concur:

SCOTLAND, P.J.

MORRISON, J.